

JUDICIAL COUNCIL OF THE SIXTH CIRCUIT
MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:
Complaint of Judicial Misconduct

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*Nos. 06-16-90105/106
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MEMORANDUM AND ORDER

This complaint of judicial misconduct was filed by **[REDACTED]** (“complainant”) against the Honorable **[REDACTED]** (“subject judges”), pursuant to 28 U.S.C. § 351.¹ The complainant is a frequent litigator in this circuit, and has filed ten judicial complaints since 2010, all of which have been dismissed. He challenges here the rulings that the subject judges made in one of his numerous civil actions. Specifically, he argues that their enforcement of a page limitation violated his rights under the First Amendment; that “the ban on not being able to file a joint action with another prisoner” violated unspecified constitutional provisions; and that “not being able to file a claim that does not rise out of a single transaction” violated his First Amendment right to petition the court.

After conducting an initial review, the chief judge may dismiss a complaint as to which he concludes: (A) that the claimed conduct, even if it occurred, “is not prejudicial to the effective and expeditious administration of the business of the courts and does not indicate a mental or physical disability resulting in inability to discharge the duties of judicial office”; (B) that the complaint “is directly related to the merits of a decision or procedural ruling”; (C) that the complaint is “frivolous,” a term that applies to charges that are wholly unsupported; or (D) that the complaint “lack[s] sufficient evidence to raise an inference that misconduct has occurred.” Rule 11(c)(1)(A)-(D), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

The complainant’s challenges to rulings made by the subject judges during the course of the underlying habeas proceedings are subject to dismissal as directly

¹ The complainant named four judges in a single complaint. Because his complaint involves two unrelated, underlying civil actions from different districts, this memorandum and order addresses his allegations against two of the original four subject judges. The allegations against the other two subject judges are discussed in a separate memorandum and order, 06-16-90103/104.

related to the merits of the named judges' decision in complainant's underlying proceedings, pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) and Rule 11(c)(1)(B) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings. Such decisions are not the proper subject of a complaint of judicial misconduct. See Rule 3(h)(3)(A), Rules for Judicial-Conduct and Judicial-Disability Proceedings. The Judicial Council is not a court and has no jurisdiction to review any rulings by a judge, or to grant the relief that may be requested in the underlying case. See *In re Complaint of Judicial Misconduct*, 858 F.2d 331 (6th Cir. 1988).

Accordingly, it is **ORDERED** that the complaint be dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) and Rule 11(c)(1)(B) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

/s/ R. Guy Cole, Jr.
Chief Judge

Date: May 25, 2017